

Notice of Allowability

Application No.

10/767,274

Examiner

Justin R. Fischer

Applicant(s)

BAYHA ET AL.

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03 November 2006.
2. ☒ The allowed claim(s) is/are 26-35 and 38-49 (renumbered 1-22).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20061206.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Marina Schneller on December 6, 2006.

In the claims:

Claim 28, Line 3: the word "anlydride" is deleted and replaced with--anhydride--.

Claim 42, Line 1: the number "46" is deleted and replaced with --41--.

Claim 43, Line 1: the number "46" is deleted and replaced with --41--.

Claim 44, Line 1: the number "46" is deleted and replaced with --41--.

Allowable Subject Matter

2. Claims 26-35 and 38-49 (renumbered 1-22) are allowed. The following is an examiner's statement of reasons for allowance:

Langlands is seen to constitute the closest prior art of record- Langlands discloses a method of providing an insulated glass structure comprising at least two sheets with at least one of the sheets made of glass (column 5, lines 48-49), a spacer which separates and supports at least two sheets of glass and forms an enclosed space between said two sheets (tape; column 5, lines 49-51), accessing the space for

Art Unit: 1733

providing a liquid resin formulation on a surface of glass defining the space (column 5, lines 55-57), and curing said resin (column 5, line 58 to column 6, line 12; see also embodiment of column 6, lines 28-31). In this instance, however, the method of Langlands involves entirely filling the space defined between the respective sheets and one of ordinary skill in the art at the time of the invention would not have found it obvious to modify the method of Langlands such that resin is only applied to a single sheet.

Additionally, the method of Langlands comprises arranging the respective sheets in a vertical or slightly inclined arrangement, introducing a resin to the above noted space, and subsequently arranging the assembly in a horizontal position to provide an even thickness and eliminate air entrapment. One of ordinary skill in the art at the time of the invention would not have found it obvious to initially position the respective sheets in a horizontal manner and subsequently introduce resin into the space defined between said sheets.

Lastly, Trpkovski (US 2002/0197422) is directed to a method of producing and servicing insulating glass units, wherein gas is flowed into a space defined between adjacent panes. As depicted in Figures 6-8C, said space is accessed by drilling a hole through a first pane and said hole is subsequently filled with sealant (can be viewed as liquid resin of claimed invention). It is noted that the reference specifically describes methods in which said sealant is not present on the interior surfaces of the panes (Paragraphs 70 and 94). It is additionally noted that Trpkovski fails to describe the insulating glass unit as being in a horizontal position during the sealant-filling operation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R. Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

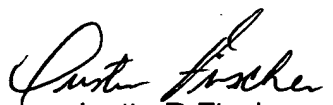
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/767,274

Art Unit: 1733

Page 5


Justin R Fischer
Primary Examiner
Art Unit 1733

JRF

December 6, 2006